



GENERAL ASSEMBLY COMMONWEALTH OF KENTUCKY

2006 REGULAR SESSION

HOUSE BILL NO. 268

THURSDAY, MARCH 2, 2006

The following bill was reported to the Senate from the House and ordered to be printed.

RECEIVED AND FILED
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TREY GRAYSON
SECRETARY OF STATE
COMMONWEALTH OF KENTUCKY
BY R. Adler

AN ACT relating to fertilizers and pesticides.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

1 Section 1. KRS 217B.050 is amended to read as follows:

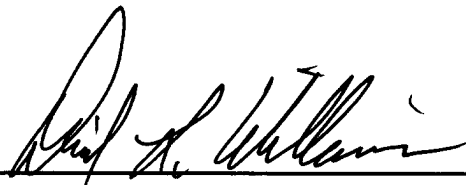
- 2 (1) The department shall administer and enforce the provisions of this chapter and
3 promulgate administrative regulations to carry out the provisions of this chapter and
4 in the administrative regulations may prescribe methods to be used in the storage of
5 fertilizers~~[and pesticides]~~, and the storage and application of pesticides. Where the
6 department finds that the administrative regulations are necessary to carry out the
7 purpose and intent of this chapter, the administrative regulations may relate to the
8 time, place, manner, and method of storage and application of the pesticides and
9 storage of fertilizers~~[and pesticides]~~, may restrict or prohibit use of pesticides in
10 designated areas during specified periods of time, and shall encompass all
11 reasonable factors which the department deems necessary to prevent damage or
12 injury by drift or misapplication to:
- 13 (a) Plants, including forage plants, on adjacent or nearby lands;
14 (b) Wildlife in the adjoining or nearby areas;
15 (c) Fish and other aquatic life in waters in reasonable proximity to the area to be
16 treated; and
17 (d) Pollinating insects, animals, or persons.
- 18 (2) In promulgating the administrative regulations, the department shall give
19 consideration to pertinent research findings and recommendations of other agencies
20 of this state and of the federal government.
- 21 (3) The department may by administrative regulation adopt a list of "restricted use
22 pesticides" for the state or for designated areas within the state if it finds that the
23 characteristics of the pesticides require restricting their use to prevent injury on
24 lands other than the land to which they are applied, or to persons, animals, crops, or
25 pests or vegetation other than the pests or vegetation which they are intended to

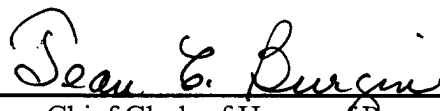
1 destroy. For the purpose of uniformity of requirements between the states and the
2 federal government, the department may adopt the list of "restricted use pesticides"
3 as established by the Environmental Protection Agency or other federal or state
4 agencies.

5 (4) The department may establish additional classifications of applicator or operator
6 licenses as required for conformance with the Federal Environmental Pesticide
7 Control Act of 1972. The classifications may include private farmer applicators,
8 commercial establishment applicators, and government employee applicators not
9 specifically mentioned in this chapter. The administrative regulations may specify
10 licensing conditions, procedures, and fees not to exceed those fees specified for
11 other licensees under this chapter.

12 (5) In addition to the fees authorized in subsection (4) of this section, the department
13 may, by administrative regulation, establish fees for carrying out the provisions
14 required or authorized by this chapter, but shall not establish fees exceeding
15 those specified under this chapter.


Speaker-House of Representatives


President of the Senate

Attest: 
Chief Clerk of House of Representatives

Approved 
Governor

Date 4/4/06